

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 396

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time February 18, 2009, and ordered printed.

Read 2nd time February 19, 2009, and referred to the Committee on Financial and Governmental Organizations and Elections.

Reported from the Committee March 11, 2009, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 26, 2009. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

2015S.01P

AN ACT

To repeal section 311.060, RSMo, and to enact in lieu thereof one new section relating to liquor licenses.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 311.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.060, to read as follows:

311.060. 1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his **or her** business as such dealer, any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 2. (1) No person, partnership or corporation shall be qualified for a
18 license under this law if such person, any member of such partnership, or such
19 corporation, or any officer, director, or any stockholder owning, legally or
20 beneficially, directly or indirectly, ten percent or more of the stock of such
21 corporation, or other financial interest therein, or ten percent or more of the
22 interest in the business for which the person, partnership or corporation is
23 licensed, or any person employed in the business licensed under this law shall
24 have had a license revoked under this law or shall have been convicted of
25 violating the provisions of any law applicable to the manufacture or sale of
26 intoxicating liquor since the ratification of the twenty-first amendment to the
27 Constitution of the United States, or shall not be a person of good moral
28 character.

29 (2) No license issued under this chapter or chapter 312, RSMo, shall be
30 denied, suspended, revoked or otherwise affected based solely on the fact that an
31 employee of the licensee has been convicted of a felony unrelated to the
32 manufacture or sale of intoxicating liquor [so long as any such employee does not
33 directly participate in retail sales of intoxicating liquor]. Each employer shall
34 report the identity of any employee convicted of a felony to the division of liquor
35 control. The division of liquor control shall promulgate rules to enforce the
36 provisions of this subdivision.

37 (3) No wholesaler license shall be issued to a corporation for the sale of
38 intoxicating liquor containing alcohol in excess of five percent by weight, except
39 to a resident corporation as defined in this section.

40 3. A "resident corporation" is defined to be a corporation incorporated
41 under the laws of this state, all the officers and directors of which, and all the
42 stockholders, who legally and beneficially own or control sixty percent or more of
43 the stock in amount and in voting rights, shall be qualified legal voters and
44 taxpaying citizens of the county and municipality in which they reside and who
45 shall have been bona fide residents of the state for a period of three years
46 continuously immediately prior to the date of filing of application for a license,
47 provided that a stockholder need not be a voter or a taxpayer, and all the resident
48 stockholders of which shall own, legally and beneficially, at least sixty percent of
49 all the financial interest in the business to be licensed under this law; provided,
50 that no corporation, licensed under the provisions of this law on January 1, 1947,
51 nor any corporation succeeding to the business of a corporation licensed on
52 January 1, 1947, as a result of a tax-free reorganization coming within the

53 provisions of Section 112, United States Internal Revenue Code, shall be
54 disqualified by reason of the new requirements herein, except corporations
55 engaged in the manufacture of alcoholic beverages containing alcohol in excess
56 of five percent by weight, or owned or controlled, directly or indirectly, by
57 nonresident persons, partnerships or corporations engaged in the manufacture of
58 alcoholic beverages containing alcohol in excess of five percent by weight.

59 4. The term "financial interest" as used in this chapter is defined to mean
60 all interest, legal or beneficial, direct or indirect, in the capital devoted to the
61 licensed enterprise and all such interest in the net profits of the enterprise, after
62 the payment of reasonable and necessary operating business expenses and taxes,
63 including interest in dividends, preferred dividends, interest and profits, directly
64 or indirectly paid as compensation for, or in consideration of interest in, or for use
65 of, the capital devoted to the enterprise, or for property or money advanced,
66 loaned or otherwise made available to the enterprise, except by way of ordinary
67 commercial credit or bona fide bank credit not in excess of credit customarily
68 granted by banking institutions, whether paid as dividends, interest or profits,
69 or in the guise of royalties, commissions, salaries, or any other form whatsoever.

70 5. The supervisor shall by regulation require all applicants for licenses to
71 file written statements, under oath, containing the information reasonably
72 required to administer this section. Statements by applicants for licenses as
73 wholesalers and retailers shall set out, with other information required, full
74 information concerning the residence of all persons financially interested in the
75 business to be licensed as required by regulation. All material changes in the
76 information filed shall be promptly reported to the supervisor.

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